

MEETING MINUTES
Board of Alcohol and Drug Counseling
July 9, 2015

These minutes were
approved by the Board on
October 8, 2015

1. ROLL CALL

The meeting of the Board of Alcohol and Drug Counseling was called to order by Natasha Robinson, Chair, at 9:00 a.m., in Lower Level Room A, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

Members Present:	Christine Chasek	-	Vice-Chair
	Lori Cleveland	-	Member
	Jason Conrad	-	Secretary
	Jody Gilfillan	-	Member
	Tomeka Johnson	-	Member
	William Mulligan	-	Member
	Natasha Robinson	-	Chair
Members Absent:	Alfredo Ramirez	-	Member
	Marlene Schneider	-	Member
Staff Present:	Julie Agena, Assistant Attorney General		
	Kris Chiles, Licensure Unit		
	Nancy Herdman, Licensure Unit		
	Dennis Scott, Investigator		
	Russ Fosler, Investigator		
	Jeff Newman, Investigator		
	Kathy Krueger, Investigator		

2. ADOPTION OF AGENDA

MOTION: Mulligan moved, seconded by Chasek, to approve the agenda. A roll call vote was taken. Voting aye: Chasek, Cleveland, Conrad, Gilfillan, Johnson, Mulligan, Robinson (7). Voting nay: None (0). Absent: Ramirez, Schneider (2). Motion carried.

3. APPROVAL OF MINUTES (4-9-15)

MOTION: Mulligan moved, seconded by Chasek, to approve the minutes of 4-9-15. A roll call vote was taken. Voting aye: Chasek, Cleveland, Conrad, Gilfillan, Johnson, Mulligan, Robinson (7). Voting nay: None (0). Absent: Ramirez, Schneider (2). Abstain: None (0). Motion carried.

4. INVESTIGATIVE REPORTS/COMPLIANCE MONITORING AND APPLICANT CONVICTION/SENSITIVE INFORMATION – CLOSED SESSION

MOTION: Conrad moved, seconded by Mulligan, to enter into closed session at 9:02 a.m. to hear discussions of investigative reports, and for the prevention of needless injury to the reputations of the individuals. A roll call vote was taken. Voting aye: Chasek, Cleveland, Conrad, Gilfillan, Johnson, Mulligan, Robinson (7). Voting nay: None (0). Abstain: None (0). Absent: Ramirez, Schneider (2). Motion carried.

9:20 a.m.	-	Newman departed meeting
9:30 a.m.	-	Krueger departed meeting
10:00 a.m.	-	Cleveland departed meeting (conflict)
10:03 a.m.	-	Gilfillan departed meeting (conflict)
10:05 a.m.	-	Cleveland entered meeting
10:22 a.m.	-	Gilfillan entered meeting
10:26 a.m.	-	Scott and Fosler departed meeting
		Break

10:37 a.m. - Meeting resumed
10:43 a.m. - Mulligan entered meeting

MOTION: Conrad moved, seconded by Mulligan, to return to open session at 11:05 a.m. A roll call vote was taken. Voting aye: Chasek, Cleveland, Conrad, Gilfillan, Johnson, Mulligan, Robinson (7). Voting nay: (0). Absent: Ramirez, Schneider (2). Motion carried.

5. APPLICATION REVIEWS: PLADC AND LADC – OPEN SESSION

a. APPLICATIONS/REINSTATEMENTS

Donald Durant – PLADC applicant

Application Summary: Conviction review.

MOTION: Conrad moved, seconded by Chasek, to recommend issuance of the PLADC license with no terms or conditions. A roll call vote was taken. Voting aye: Chasek, Cleveland, Conrad, Gilfillan, Johnson, Mulligan, Robinson (7). Voting nay: None (0). Absent: Ramirez, Schneider (2). Abstain: None (0). Motion carried.

LaRhonda Flowers – PLADC applicant

Application Summary: Conviction review.

MOTION: Chasek moved, seconded by Johnson, to recommend issuance of the PLADC license with no terms or conditions. A roll call vote was taken. Voting aye: Chasek, Cleveland, Conrad, Gilfillan, Johnson, Mulligan, Robinson (7). Voting nay: None (0). Absent: Ramirez, Schneider (2). Abstain: None (0). Motion carried.

Kayleen Kappius – PLADC applicant

Application Summary: Conviction review.

MOTION: Conrad moved, seconded by Chasek, to recommend issuance of the PLADC license with no terms or conditions. A roll call vote was taken. Voting aye: Chasek, Cleveland, Conrad, Gilfillan, Johnson, Mulligan, Robinson (7). Voting nay: None (0). Absent: Ramirez, Schneider (2). Abstain: None (0). Motion carried.

Linnette Kramer – PLADC applicant

Application Summary: Conviction review.

MOTION: Chasek moved, seconded by Gilfillan, to recommend issuance of the PLADC license with no terms or conditions. A roll call vote was taken. Voting aye: Chasek, Cleveland, Conrad, Gilfillan, Johnson, Mulligan, Robinson (7). Voting nay: None (0). Absent: Ramirez, Schneider (2). Abstain: None (0). Motion carried.

Brenda Sharp – PLADC applicant

Application Summary: Conviction review.

MOTION: Chasek moved, seconded by Conrad, to recommend issuance of the PLADC license with no terms or conditions. A roll call vote was taken. Voting aye: Chasek, Cleveland, Conrad, Gilfillan, Johnson, Mulligan, Robinson (7). Voting nay: None (0). Absent: Ramirez, Schneider (2). Abstain: None (0). Motion carried.

6. UPDATES/REPORTS

- **Mental Health Practice Regulations (172 NAC 94)**

Chiles stated there was no update to provide. She commented that Dr. Acierno had resigned and in the interim Courtney Phillips, DHHS CEO was serving as director of the Division of Public Health. In terms of chief medical director duties, other physicians in the Department were reviewing items on a case by case basis.

- **Justice Behavioral Health Committee**

Chasek attended the last meeting and summarized the highlights:

- a. Working on membership and if miss three times, an individual is off the Committee.
- b. A priority is updating the ASI and doing a training of trainers model.
- c. The program plan requirement that each provider must have has been put on a temporary hold.
- d. Probation officers are getting training on behavioral health.
- e. A RFP proposal for the ASI will be coming out.
- f. Revamping service definitions and standards of practice.
- g. Discussed treatment probation officers were not doing treatment.
- h. Working on standard model for sex offenders.

Members asked if the Committee ever received feedback from practitioners. Chasek responded that she would be willing to bring back feedback. Feedback she was requested to provide by the committee included that providers do not receive education when changes are made and that more information is needed. Chasek encouraged individuals to contact the provider representatives on the committee who are Dallas Massey, Nancy Wilson-Hintz and Brenda Rohren.

- **Disciplinary/Non-Disciplinary Action Report, Licensure/Examination Statistics & Administrative Fees**

Chiles distributed the list of disciplinary actions since April 2015.

Chiles reported the following:

- since April 9, 2015, 14 passed and 2 failed the examination.
- the following current licensees:

PLADC	370
LADC	685

- **Conviction Review Guidelines Committee Report – Conrad, Gilfillan**

The draft revised document was distributed. Conrad indicated that for MIP, DUI and controlled substance, the column of “more than 1 but more than 5 years ago” was removed. There was a discussion about putting together a list of offenses that were somewhat minor which the Board would not necessarily need to review which Chiles will do. It was agreed that if an applicant had a DUI or controlled substance offense within the past year, a current evaluation would be requested. Chiles stated she would make the changes and provide the document at the next meeting. She thanked the Committee for their work.

11:22 p.m. - Kevin Griess, Department attorney, entered the meeting

7. NEW BUSINESS

- a. **Discussion Relating to the United States Supreme Court Decision (*North Carolina State Bd. of Dental Examiners v. FTC*)**

Griess stated that the Supreme Court decision would impact the Board in terms of cease and desist orders. He advised the Board to defer issuing any cease and desist orders until further conversation occurred in DHHS. When asked what they could do, he responded that one option is that the Attorney General could file an injunction order.

b. Correspondence

Herdman stated she had been contacted by IC&RC and they were considering Omaha as a site for their fall 2017 meeting.

Robinson stated she and Chasek had been contacted by Amy Holmes of BCHEN regarding support of legislative resolution 185 to study issues faced by the behavioral health work force. Holmes was asking for feedback from Robinson and Chasek. Robinson commented that the resolution did not list LADCs and as soon as she saw a draft that did, she would be willing to provide input. The Board supported Robinson and Chasek in providing feedback as they deemed appropriate. Natasha stated she would provide the documents she had to the members and asked them to contact her if they had any comments. Chiles and Griess cautioned the members not to e-mail comments to the entire Board as that could be viewed as conducting business outside of a public meeting. Griess suggested not hitting "reply to all" when doing e-mails. Robinson will invite Holmes to attend the October meeting.

Robinson stated she had been contacted again by the woman who expressed concerns about boundary issues for alcohol and drug counselors as the woman had had an issue with a counselor in another state. No further action relating to this contact was suggested by the Board.

11:50 a.m. - Break
 Griess departed meeting
11:56 a.m. - Meeting resumed

Chasek commented that she would be providing training on the DSM-5 and alcohol/drug issues at the LPNAN Conference thru NHCA.

c. Funding Approval for Attendance at IC&RC Meeting

MOTION: Conrad moved, seconded by Mulligan, to approve funding for attendance at the IC&RC meeting. A roll call vote was taken. Voting aye: Chasek, Cleveland, Conrad, Gilfillan, Johnson, Mulligan, Robinson (7). Voting nay: (0). Absent: Ramirez, Schneider (2). Motion carried.

Robinson will plan to attend unless it conflicts with her schedule and if so, then Chasek would attend.

d. Other

Chiles asked the Board to review the draft regulations and make any notes for future discussion. Chasek asked if there had been any impact resulting from the revised core function form. Chiles responded that many of the old forms were still being submitted and it was probably not enough time to see any impact. The members discussed if there was any other means to get information out to the counselors. They discussed there had been a newsletter on the web at one time but there was no assurance that it was looked at.

Chiles stated that renewal notices were now in postcard size.

12:22 p.m. - Gilfillan departed meeting

9. ADJOURNMENT

The chair declared the meeting adjourned at 12:24 p.m.

Respectfully Submitted,

Jay Conrad, Secretary
Board of Alcohol and Drug Counseling

Next Meeting: October 8, 2015

Recorded by: Nancy Herdman
Health Licensing Coordinator - Licensure Unit